

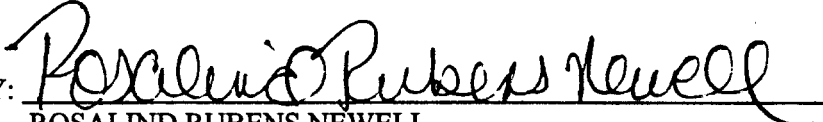
Entered - 02/14/00 - sb
CL00L0070 - DIANNE C. MITCHELL

00-*P*-1742

CLAIM OF: **JANICE LEMONS,**
through her attorney,
Donald C. Beskin
729 Piedmont Avenue, NE
Atlanta, Georgia 30308

For damages alleged to have been sustained as a result of personal injuries
due to an explosion on November 11, 1999 at Nolans Elementary School.

THIS ADVERSED REPORT IS APPROVED

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0070

Date: October 17, 2000

Claimant /Victim JANICE LEMONS
BY: (Atty) Donald C. Beskin
Address: 729 Piedmont Avenue, NE, Atlanta, Georgia 30308
Subrogation: Claim for Property damage \$ Bodily Injury \$ 3,000.00
Date of Notice: 02/09/00 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 11/11/99 Place: Nolans Elementary School
Department Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges she was injured when a toilet exploded while cleaning toilets in a restroom at Nolans Elementary School. The claimant further alleges that the explosion was caused due to work performed by United Water Services Atlanta. The claim was forwarded to United Water Services Atlanta for handling and they have denied liability.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial
Improper Notice More than Six Months Other Damages reasonable
City not involved X Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 10-17-00
Committee Action: Council Action

NADLER, BESKIN & SCOTT
ATTORNEYS AT LAW

Mitchell
02/11/00
DM

GARY M. NADLER
DONALD C. BESKIN
W. STEED SCOTT

February 7, 2000

729 PIEDMONT AVENUE, N.E.
ATLANTA, GEORGIA 30308
(404) 872-4111
TELECOPIER: (404) 872-5340

Office of City Attorney
Law Department
City Hall Tower, Suite 4100
68 Mitchell Street
Atlanta, GA 30335

ENTERED - 2-14-00 - SB
00L0070 - DIANNE MITCHELL

Re: Liability Claim for Injuries Sustained
Due to Possible Negligence by the
City of Atlanta Water Department

My Client: Janice Lemons
Place of Accident: Love T. Nolans Elementary School,
College Park, Georgia
Date of Accident: 11/11/99

Dear Sir/Madam:

I am writing to request your consideration of my client's
bodily injury claim against the City of Atlanta Water Department.

On November 11, 1999, Ms. Lemons sustained severe
injuries to her leg when she was cleaning the toilets in a restroom
at Nolans Elementary School. She flushed the toilet and it
exploded, injuring her. Apparently, witnesses from Varsity
Contractors, Inc., Ms. Lemons's employer, state that the Atlanta
Water Department was working near the school. The explosion
occurred possibly because the Water Department failed to clear out
the lines involved in the work they were doing. It is a miracle
that children were not injured in this incident.

Ms. Lemons was given emergency treatment at Southern
Regional Medical Center after the accident. She has continued to
treat with the Hughston Clinic and Physiotherapy Associates. She
has not completed her treatment, but her medical bills to date
total over \$3,000.00.

I would appreciate your advising me as to how Ms. Lemons
may seek redress for an accident probably caused by the City of
Atlanta Water Department which has caused her serious injury and
weeks of wage loss.

Office of City Attorney
February 7, 2000
Page Two

Please present this matter to the City Council at its next meeting, if that is still the procedure. I would appreciate a response advising me that this matter is under consideration in the Office of the City Attorney.

Very truly yours,

NADLER, BESKIN & SCOTT

Donald C. Beskin

Donald C. Beskin

DCB/jb
Encl.

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